

*Serial No.: 09/817,314*

*Atty. Docket No.: 123593-00106*

*Reply to Office Action of November 30, 2007*

## **R E M A R K S**

In view of the above amendments and following remarks, favorable reconsideration in this application is respectfully requested.

The Examiner rejects claims 1-22 under 35 U.S.C. §103 as being unpatentable over Phelps (Article, Geographic Information System). The Examiner contends that Phelps discloses all the features of claim 1, except that Phelps does not teach “wherein the identification is based on a pointing direction of the device” as claimed. Instead, the Examiner concludes that “it would have been obvious to use an identification system such as a pointing device, mouse in computer, or radio waveform identification … to identify an object. It would have been obvious to use a pointing device to identify the displayed object on a screen because of the widely use of pointing device to identify a displayed object.” See Office Action, pp. 2-3.

The present application is directed towards “annotating an element” as recited by the claims. Claims 1, 21, 22, 36, 38 and 43 of the present invention are directed towards annotating an element identified by a pointing device, the element itself, or a base station, or a generator, none of which are taught by Phelps. That is, Phelps is directed toward active, extensible, networked documents, such that any image documents already exist. Phelps does not concern itself with the image capture or an image capture device. Consequently, one skilled in the art would not look to Phelps for the claimed invention.

More particularly, independent claim 1 has been amended to require that an image capture device obtains a view of an element, and that that an identification of the element is

*Serial No.: 09/817,314  
Atty. Docket No.: 123593-00106  
Reply to Office Action of November 30, 2007*

based on the pointing direction of the image capture device. Support for the amendment can be found, for instance, at paragraphs [0045] and [0046] of the published application, where it is discussed that a camera acquires an image and can be aware of its position and shooting orientation. Thus, the amendment does not introduce any new matter. The image seen by the user can be annotated based on the camera position and shooting direction.

As acknowledge by the Examiner, Phelps does not teach identification being based on a pointing direction. In fact, nothing in Phelps even remotely suggests basing an identification on a pointing direction of an image capture device. It is noted that the Examiner indicates that the use of a pointing device would be obvious. Even if the Examiner were correct, there is no teaching or suggestion that the pointing direction of an image capture device (as opposed to the pointing device) can be utilized – different from using a computer mouse or a radio waveform identification, for example.

Independent claims 21, 36 and 38 require that the identification has made use of a signal from an image capture device pointed at the element, a signal from the element, or a signal received from a base station. The Examiner does not address claims 21 and 38 directly, other than to note refer to the other claim rejections. The closest reference to a signal made by the Examiner appears to be with respect to the rejection of claims 24-26 and 29, where the Examiner refers to section 4.2 of Phelps to teach the use of a radio beacon. Yet, that section makes no reference to a radio beacon, and also fails to mention the use of a signal from an image capture

*Serial No.: 09/817,314*

*Atty. Docket No.: 123593-00106*

*Reply to Office Action of November 30, 2007*

device, a signal from the element, or a signal from a base station. Since Phelps has nothing to do with the image capture, it fails to teach the claimed invention.

Independent claims 22 and 43 require that the system automatically relate identification to annotating data associated with the element. Phelps (at section 5.4), in contrast, specifically relies on a user to annotate an image. Thus, Phelps does not teach or suggest the claimed invention.

Accordingly, it is respectfully submitted that the present invention is patentable over Phelps, and that the rejections be withdrawn. In the event there are any questions relating to this Amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (123593.00106). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not

*Serial No.: 09/817,314*

*Atty. Docket No.: 123593-00106*

*Reply to Office Action of November 30, 2007*

accompany this response, Applicants hereby petition under 37 CFR 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

BLANK ROME LLP

By:

  
Peter S. Weissman  
Reg. No. 40,220

600 New Hampshire Ave., N. W.  
Washington, D.C. 20037  
Telephone: (202) 944-3000  
Atty. Docket No.: 123593-00106  
Date: January 29, 2008